

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, December 16, 2008

7:04 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 7:04 p.m. Also present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clotey, Town Attorney Daniel L. Abbott, Town Manager Esther Colon, Town Clerk June White and Senior Office Specialist Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pauline McGuinness, Member of the Baha'i Spiritual Assembly of Ft. Lauderdale and Lauderdale-By-The-Sea

Pauline McGuinness gave the Invocation.

Mayor Minnet amended the agenda as follows:

Presentation item 4a was tabled to January 27, 2009.

Presentation item 4b was tabled to January 13, 2009.

Vice Mayor McIntee placed his item for receipt of financial records regarding Green Fest on the agenda for the January 13, 2009 Commission meeting. There were no objections.

Commissioner Clotey tabled Old Business Item 15e to January 13, 2009. There were no objections.

Manager Colon pointed out a typographical error that the Reports should have been "November" 2008 and not "October".

Vice Mayor McIntee made a motion to pull New Business item 16h as it was a duplicate to New Business item 16g. Commissioner Silverstone seconded the motion. All voted

in favor.

Commissioner Clotey made a motion to table the presentation items as requested by Manager Colon previously. Commissioner Silverstone seconded the motion. All voted in favor.

4. PRESENTATIONS

- a. Certificate of Achievement for Excellence in Financial Reporting - Presented by Alan Owens (Manager Colon)**
- b. Lifesaving Award to Mark Mitchell (Mayor Minnet)**
- c. Demonstration of camera system installed by Security 101 (Chief Gooding)**

Chief Gooding gave a video presentation that portrayed the system's capabilities regarding vehicle and pedestrian traffic. Gene Syraski of Security 101 advised that the video could be placed on the Town's website.

Commissioner Silverstone asked whether the weather would affect the cameras. Mr. Syraski said they would not. Chief Gooding looked forward to obtaining 6 more cameras capable of better technology. He added that even though the video could be displayed on the Town's website, only the Sheriff's office had control. Vice Mayor McIntee suggested the Town spend some money to advertise that Lauderdale-By-The-Sea was equipped with the cameras. He believed that other municipalities would follow their lead.

5. REPORTS

- a. Finance and Budget Monthly Report - October 2008 (Manager Colon)**

Commissioner Silverstone made a motion to approve the report. Vice Mayor McIntee seconded the motion. All voted in favor.

- b. Development Services Monthly Report - October 2008 (Assistant Manager Olinzock)**

Commissioner Dodd inquired as to whether the Fire Marshall did the fire plan reviews. Assistant Town Manager said they were done by the building department.

Vice Mayor McIntee talked about fire alarms and fire inspections at the Sea Ranch building. Assistant Town Manager Olinzock stated that a final building permit was required to close out and the contractor was the one that

needed to do that. He added that the VFD and/or Town Administration had nothing to do with inspection.

Commissioner Dodd stated that Ms. Cole called him at 9:30 a.m. on Monday morning to report that the building Manager of the Sea Ranch B had a problem getting the correct answer regarding their fire alarm. He said Ms. Cole informed him that no one could tell him the fire alarm fee and therefore no one could do the inspection. Commissioner Dodd added that he obtained the information from Assistant Manager Olinzock, along with a contact person, and relayed the information back to the building manager of Sea Ranch B. Commissioner Dodd explained that the problem was between the Alarm Company and Sea Ranch B.

Commissioner Dodd made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor.

c. Municipal Services Monthly Report - October 2008 (Assistant Manager Olinzock)

Commissioner Dodd referred to pages 4 through 21 and asked to have the items broken down to show where the money went.

Vice Mayor McIntee made a motion to accept the report. Commissioner Clotey seconded the motion. All voted in favor.

d. BSO Police Monthly Report - October 2008 (Chief Gooding)

Commissioner Clotey asked why burglaries were not going down. Chief Gooding was not happy with the status but stated they had tapered down.

Vice Mayor McIntee made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor.

e. VFD Fire Monthly Report - October 2008 (Chief Perkins)

Mayor Minnet requested an update regarding the physicals for firefighters. Chief Perkins said everyone on the roster had completed their physical. He added the VDF was 65% complete. Mayor Minnet asked whether the fire fighters' status could be broken down in relation to the calls on the reports and whether any of the ATV operators were ocean rescue trained. Chief Perkins said it was possible to adjust the report and that some of the fire fighters had been ocean rescue trained with plans on continuing with the training.

Commissioner Dodd wanted to know whether the roster could show whether VFD members were in town or not. Chief Perkins stated that the roster did indicate whether they were regular members or associate members.

Commissioner Dodd referred to response times on the report and thought the Chief should be proud. Commissioner Dodd asked Chief Perkins to explain why Vice Mayor McIntee made a motion to require a 1 year break before a Plantation Volunteer Fire Fighter could join the Lauderdale-By-The-Sea VFD. Chief Perkins stated that was a courtesy from one Chief to another as they preferred the fire fighters remained for at least a year before they transferred between the two fire departments.

Commissioner Dodd questioned the cabana fire at the Sea Ranch Building on November 6, 2008 and why they had not received a report. He wanted to know whether there were other overdue reports. Chief Perkins said the State Fire Marshall had investigated the fire and VFD logged everything into Sun Pro. He added that since the State Fire Marshall was there it was the State Fire Marshall's responsibility to provide the report to the property owner and not the responsibility of the VFD.

Mayor Minnet wanted to know whether fire fighters went out on calls as paramedics. Chief Perkins said they did not.

Vice Mayor McIntee explained that the obligation of the fire department was to make out a Sun Pro report. He added that the VFD did a report when a fire occurred and the report was obtained from Sun Pro. Vice Mayor McIntee asked whether ISO had demands for the VFD. Chief Perkins said all trucks must be covered, have the same tools, same hoses and same lines.

Commissioner Silverstone pointed out that BSO refused to put their response times in their contract.

Commissioner Clotey made a motion to accept the report. Commissioner Silverstone seconded the motion. All voted in favor.

f. AMR Fire Rescue Monthly Report - October 2008 (Operations Manager Liddle)

Manager Colon noted that Operations Manager Brooke Liddle was not present. Commissioner Dodd made a motion to table until Manager Liddle was available or until after Old Business. Commissioner Silverstone seconded the motion. All voted in favor.

Vice Mayor McIntee made a motion to place Public Safety Discussion on every other agenda when the reports were not available. Commissioner Silverstone seconded the motion. All voted in favor.

Clerk White gave an overview of the newly installed electronic voting system.

6. PUBLIC SAFETY DISCUSSION

7. TOWN MANAGER REPORT

Manager Colon advised the Commission that funds for El Mar Drive was in the bank and staff was ready to start work with Commission direction. She advised that the Florida League of Cities, through the Florida Institute of Government offered an Advisory Board and Committee Training session on January 20, 2009 in Plantation at a cost of \$45. She wanted direction to allow the Board and Committee members to attend and whether the Commission would be interested in attending.

Manager Colon asked the Commission to advise what items they wanted placed on the Workshop agenda regarding Capital Improvement and whether staff needed to collect certain data.

Vice Mayor McIntee made a motion that anyone from the Advisory Boards, Committees and Town Commission should be allowed to go to the Advisory Board and Committee Training at \$45 per diem per day. Commissioner Silverstone seconded the motion. All voted in favor.

Mayor Minnet inquired of the expected completion date for the pavilion and the status of the new public safety building. Manager Colon said there was a 90 day contract for the construction of the pavilion. She added that a Temporary Certificate of Occupancy was to be determined pending a lift for the second floor.

Commissioner Clotey asked for an explanation regarding the bathrooms and ceilings in the pavilion. Manager Colon stated that after years of discussion, it was decided to eliminate the bathrooms in the pavilion. She said the wrong design was posted and had since been replaced with the correct one; open design and no bathrooms.

8. APPROVAL OF MINUTES

9. PUBLIC COMMENTS

Manager Colon wished everyone a Happy Holiday.

Lilliana Pompareda petitioned the Town to re-pave, improve or correct N. Tradewinds prior to the completion of the Seagrape Drive Project. She explained that during the beautification project the trucks tore up the roadway.

Frank Herrmann favored the removal of the bags from the parking meters. He said any resident could purchase a \$35 resident parking permit.

Cristi Furth was tired of the negativity against the VFD and AMR. She reminded the Commission that the people and the Commission voted for the return of the

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VFD and AMR. Ms Furth said it was the VFD and AMR that was out there every day.

Yann Brandt believed that the Town of Lauderdale-By-The-Sea should consider making the environment one of their priorities in 2009.

Vince Deni said his block, from A1A to El Mar, was void of any Christmas lighting and asked to have the addition of Christmas decor.

Janet Deni thought the 2 hour parking limit was difficult and challenging to shop and eat. She felt the parking lot was under-utilized and referred her customers to that area. Ms. Deni was not opposed to purchasing parking meters.

Vito Chiarello wanted the Commission to know that his street was stained with oil. Mr. Chiarello had nothing against people with boats or trailers but had a problem with those that rented and put their jet skis and boats all over their yard. He added that it made the place look like a trailer park. Mr. Chiarello preferred that those that rent put their things in their back yard.

Vice Mayor McIntee made a motion to discuss New Business item 16g next and allow public comment so the people did not have to stay until the item came up. Commissioner Dodd seconded the motion. All voted in favor.

Rosalie Malkoon wanted the Commission to find a limit to the amount of time that homeowners can rent. She was concerned that the constant change in renters caused safety issues.

Edmond Malkoon questioned the \$720 Pompano Charge, a Capital Recovery Fee. He did not know exactly what it was and why the people had to pay it.

Maureen McIntee stated that there had been expressions against her speaking at public comments since she was the wife of Vice Mayor McIntee. She felt she had the right to speak.

Rosa Michailiuk was tired of reading the papers complaining about things. She did not feel lifeguards were necessary. Ms. Michailiuk believed that when one's time was up, it was up.

Senior Office Specialist Smith stated that Public Comments had reached its limit of 10 people with an additional 8 names yet to be called. Vice Mayor McIntee made a motion to continue with public comments. Commissioner Silverstone seconded the motion. All voted in favor.

Lawrence Wick wanted to see more information on funding the Oversight Committee and member participation.

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Diane Boutin favored the removal of the bags from the parking meters and favored additional shade trees. Ms. Boutin pointed out that the businesses that received parking permits were only used periodically throughout the year. She encouraged capital improvement.

Bill Ciani addressed bags on meters by Athena's Restaurant. He felt all residents should have access to all spaces and not given to a single person.

Shalom (last name inaudible) wanted meters uncovered between 6 and 10.

Bob Fleishman talked about fighting and disrespect on the Dais. Words were said and Mr. Fleishman was removed from the meeting.

With no one else wishing to speak, Mayor Minnet closed the meeting to public comments.

Mayor Minnet opened the meeting to public comments for New Business item 16g: Discussion and/or action regarding parking a boat trailer in the front driveway in Bel Air (Mayor Minnet)

Debbie Meyer stated it would be inconvenient to store her boat elsewhere. Laura Captain did not want to run back and forth to a storage unit to get their boat.

Richard Capalbo continuously parked his boat on his property. He believed he complied with Town Code and asked for explanation of Town Code.

Margery Lexa had a sport fishing boat parked in her driveway since 1992. She did not favor moving her boat to a storage area.

Billy Hart asked why he was told his boat was in compliance and then received a notice that he was not. Mr. Hart did not favor storing his boat in a storage facility.

James Whebell had a camper trailer in his yard. He did not favor storage in a facility nor did he wish to pour a concrete slab on his property. He asked the Commission to amend the Ordinance.

Mary Lee parked her trailer in her driveway. Ms. Lee asked the Commission to reconsider the Code.

Kyle Campbell owned a 13 foot whaler that he used often. He reminded the Commission that the residents bought their home to enjoy their boats.

Eric Albrackrack felt the boats enhanced the value of the property.

Paula Stephanos received a notice and was told her boat had to be removed or stored in her garage.

Joe Couriel lived in a part of Town that did not have boats and wanted it to remain that way.

Mayor Minnet believed this was an important issue before the Town. She opened the meeting to Commission discussion.

Commissioner Clotney said many people were concerned about this issue. She believed that neighbors should have consideration for their neighbors and pointed out that this item was not a grandfathering issue.

Vice Mayor McIntee felt that the people who had a boat on their property at the time of annexation should be allowed to keep them. He said he would support proof of purchase. Vice Mayor McIntee added that once the property was sold, the right to keep a boat on the property would no longer exist. He was in favor of creating an ordinance to support that.

Commissioner Dodd suggested a survey be done prior to issuing citations. He thought clauses could be brought about to legislate order, sizes and proportion.

Commissioner Silverstone asked why Commissioner Clotney felt this was not a grandfathering issue. Commissioner Clotney said at the time they were under Broward County who did not allow it. Assistant Olinzock stated that the Ordinance did not allow utility trailers and there was never any enforcement of the Code. Commissioner Silverstone had no problem with grandfathering.

Commissioner Clotney said only one group of people had spoken on this issue.

Commissioner Clotney made a motion to table this item to January 13, 2009 in order to hear from other people. She said only one group of people from Bel Air knew about this meeting. Commissioner Silverstone seconded the motion. Commissioner Dodd asked whether the citations would stand or be placed on hold. Attorney Abbott stated the decision was up to the Town Manager.

Manager Colon pointed out that there were conflicts in the Town code and staff must follow code. Manager Colon stated that the Town Code of Ordinances was Town law and the Commission could not tell her to disobey the Town code. She added that this was the fourth time the Commission told staff not to follow code. Manager Colon invited everyone to come to the workshop because this had been an issue since the prior Commission.

Mayor Minnet stated there was a motion to table and asked for a vote. All voted in favor. Mayor Minnet recessed the meeting at 9:25 p.m. and reconvened at 9:50 p.m.

10. ORDINANCES

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- 1. Ordinances 1st Reading - "Public Comments"**
- 2. Ordinances 2nd Reading - "PUBLIC HEARING"**
 - a. Ordinance 2008-25: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 4; ARTICLE II, SECTION 4-30 OF THE CODE OF ORDINANCES OF THE TOWN OF LAUDERDALE-BY-THE-SEA IN ORDER TO ESTABLISH PROVISIONS PROTECTING THE PUBLIC FROM DANGEROUS DOGS; PROVING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Abbott read ordinance 2008-25 by title.
Mayor Minnet opened the meeting for public comments.

Barbara Cole said Broward County's dangerous dog ordinance indicated that other cities were already covered under their Ordinance.

With no one else wishing to speak, Mayor Minnet closed the public comments portion of the meeting.

Attorney Abbott said the Broward County had provisions within their Ordinance that did not prevent other cities from making their own ordinance.

Commissioner Dodd referred to the Broward County Ordinance that stated that dangerous dogs had red tags and wanted to know whether the Town of Lauderdale-By-The-Sea could obtain the same.

Commissioner Dodd wanted to recover the costs of enforcing the Ordinance from the owner. Manager Colon said the Town did not charge anyone that came before the magistrate for code or parking violations. Commissioner Dodd made a motion to charge a \$100 annual permit fee.

Commissioner Silverstone offered a friendly amendment of \$500. Commissioner Dodd thought that was a too much. He agreed there should be a fine but it should not encourage the owner to get rid of the dog. The motion died for lack of a second.

Commissioner Clotey agreed with a \$100 annual permit fee and favored a Town Ordinance.

Vice Mayor McIntee said that Broward County charged \$540 to get a dog back after it was picked up as a stray dog.

Vice Mayor McIntee made a motion for a \$250 annual license fee for dangerous dogs. Commissioner Dodd seconded the motion.

Mayor Minnet thought the Commission should wait for resolution. Attorney Abbott stated that the Commission could pass this as a Resolution with direction for him to draft the Resolution with the annual fee amount in place and to be considered at a subsequent meeting.

Vice Mayor McIntee amended his motion to amend the Ordinance with an annual permit fee of \$250. Commissioner Dodd seconded the amendment. The motion carried, 4-1. Mayor Minnet voted no.

Commissioner Silverstone made a motion to adopt Ordinance 2008 - 25 on second reading. Vice Mayor McIntee seconded the motion. The motion carried, 4-1. Mayor Minnet voted no.

11. COMMISSIONER COMMENTS

Commissioner Clotey thought it was unfair for City of Pompano Beach to charge a \$720 capital recovery fee and believed there was a chance that a class action suit would be filed against the City of Pompano Beach. Commissioner Clotey agreed that short term rentals were a problem. She asked the Commission to consider it. Commissioner Clotey did not feel the boat issue was a grandfathering issue. She wished everyone a nice holiday season.

Commissioner Silverstone said the VFD delivered gifts to kids on Christmas Eve every year and announced that anyone interested could call the fire department. Commissioner Silverstone pointed out that the Town Commission and the Town Manager's job was to follow the law. He said residents should call and speak with the Commission so that changes could be made to the Town Code of Ordinance. Commissioner Silverstone addressed the issue regarding ethics code. He said the State had determined that there was not an ethics violation and the whole issue had been dismissed. Commissioner Silverstone wished everyone a Merry Christmas and Happy New Year.

Commissioner Dodd wished everyone a politically correct Happy Holiday. He gave an update on the Hillsboro Inlet and reported on the Artificial Reef project. Commissioner Dodd was disappointed with the time it took to address all the items on the agenda. He suggested a roundabout meeting the 3rd week of every month and meetings with the Town Manager. Commissioner Dodd hoped to start the New Year in a positive way.

Vice Mayor McIntee looked to the employees with great respect. He believed they worked very hard and everyone was very busy. He said they deserved support. Vice Mayor McIntee pointed out that from January 1, 2008 to November 1, 2008 there were 338 public records requests - 68 were from one person and 69 from one other person; one third of all public records requests. Vice Mayor McIntee stated that each request took time away from staff to deal with other issues of the Town. He wished everyone a Merry Christmas and a Happy New Year. Vice Mayor McIntee addressed the Green Fest issue and pointed out his reason for questioning it was to prevent the same mistakes from happening in the future. Vice Mayor McIntee addressed the political abuse from the previous Mayor Pro Tem and pointed out that the issue was declared a non issue by the State.

Mayor Minnet wished everyone a Happy Holiday and a peaceful, healthful New Year. She thanked the Chamber of Commerce, local businesses and the VFD for the tree lighting. Mayor Minnet asked everyone to express their opinions on legislative issues. She said she was involved with the Climate Change Task Force and looked forward to moving forward with recycling initiatives. Mayor Minnet thanked staff and wished them a Happy Holiday. She said staff had been very helpful and made her feel very comfortable.

12. CONSENT AGENDA

Mayor Minnet pulled Consent Agenda items 12a, 12b, and 12c for discussion.

- a. Commission approval for the use of ten (10) parking spaces in the Bougainvillea parking lot for Coastal Contracting & Development, Inc. during the construction of the Commercial Blvd. Pavilion (Clerk White)

Mayor Minnet believed Coastal Contracting should pay for these spots. Commissioner Clotey made a motion to charge for spaces. Commissioner Dodd seconded the motion for discussion. He wanted to know if the Town ever charged a contractor, hired by the Town, for spaces before. Manager Colon said they did not. Commissioner Dodd said he would vote against it. Vice Mayor McIntee agreed with Commissioner Dodd. Commissioner Dodd withdrew his second. Commissioner Clotey withdrew her motion. Commissioner Dodd made a motion to approve as written. Vice Mayor McIntee seconded the motion. All voted in favor.

- b. FS-274.06 - property valued less than \$5,000 (Manager Colon)

Manager Colon wanted to know whether the surplus items that were left over from the auction could be offered to employees prior to disposal. Vice Mayor McIntee made a motion to allow employees first pick and Town residents second pick. Commissioner Silverstone seconded the motion. All voted in favor.

- c. Commission approval for the installation of the Town Logo on the flag poles by TW Signs at a cost of \$350 (Assistant Manager Olinzock)

Commissioner Dodd made a motion to approve with the words "welcome to" added to the logo. Vice Mayor McIntee seconded the motion. All voted in favor.

13. RESOLUTION - "Public Comments"

14. QUASI JUDICIAL PUBLIC HEARINGS

- a. A Variance request to allow setback requirements from Section 30-242 of the Towns Zoning Code opposed to the applicable 30-241 to construct a single family home within the RM-25 Zoning District. Property is located at 4312 El Mar Dr. - Staff recommends tabling to January 13, 2009 - This item was tabled until December 17, 2008 at which time the Board will consider the application. The applicant agreed and is to provide revised plans increasing the setbacks for the board to review (Assistant Manager Olinzock)

Attorney Abbott stated that this item had not received final review by the Board of Adjustment and it would not be proper to hear at this time.

Commissioner Silverstone made a motion to table this item to the January 13, 2009 Commission meeting. Commissioner Dodd seconded the motion. All voted in favor.

15. OLD BUSINESS

- a. Discussion and/or action concerning fire lane at By the Sea Laundry (Commissioner Dodd) Tabled at the November 10, 2008 Commission meeting by Vice Mayor McIntee

Commissioner Dodd noticed the back up contained a fire inspection report. He pointed out Section 6 of the Florida Statutes and wanted staff to consider adding a single space for loading/unloading. Assistant Manager Olinzock suggested to the property owner to look at all options; redesign of parking, relocation of spaces. He said the property owner did not want to make any changes and would comply with Fire Marshall as was written.

Mayor Minnet stated that she received a letter from the property owner requesting staff to table. She said she had since received another letter from the property owner that stated the owner had resolved the issues. She added that that No Parking signs had been ordered.

Discussion followed regarding non-receipt of information. Commissioner Dodd stated this is why he suggested the Commission meet 2 weeks prior to

a Commission meeting in order to review information. Manager Colon pointed out that she did not have the letter prior to the current date either and that the letter was distributed to the Commission earlier in the day. Manager Colon stated she had an open door policy. She also pointed out that Mayor Minnet had a standing appointment to review the agenda.

Vice Mayor McIntee asked Commissioner Dodd if he intended to kill the agenda 2 weeks prior to a Commission meeting and to have the meeting ahead of time. Commissioner Dodd wanted the Commission to discuss items on the agenda with the Town Manager prior to meetings.

Commissioner Silverstone encouraged every Commissioner to bring forth any information they receive prior to a meeting.

Commissioner Dodd withdrew this item.

- b. Discussion and/or action regarding town wide parking following workshop (Commissioner Dodd) Tabled at the November 10, 2008 Commission meeting by Commissioner Clotey

Commissioner Dodd asked for the straw poll results. Manager Colon said that 29 people wanted the bags removed from the meters and 28 wanted them to remain. She added that regarding the 2 hour limit the tally was 12 yes and 7 no. Commissioner Dodd made a motion to draft an ordinance to remove the bags from the parking meters and to make an evaluation in 6 months. Vice Mayor McIntee preferred an evaluation after 3 months. Commissioner Dodd accepted.

Commissioner Clotey thought residents should be given a card that allowed them a discount. Commissioner Dodd believed the Commission should address the parking issues in small steps. Vice Mayor McIntee was concerned with the cut back of meter enforcement to a 30 hour work week. He did not want to loose any more employees.

Attorney Abbott advised that the Ordinance would require two reading and therefore it could not be enacted until February 1, 2009.

Mayor Minnet noted there was a motion on the table to remove the bags with an evaluation after 3 months by Commissioner Dodd and seconded by Vice Mayor McIntee. All voted in favor.

Vice Mayor McIntee made a motion to recess the meeting to Saturday, December 20, 2008 at 9:00 a.m. All voted in favor. Mayor Minnet recessed the meeting at 11:05 pm.

- c. Discussion and/or action regarding drafting an Ordinance to pull bags from the

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parking meters on Bougainvilla and Poinciana (Tabled at the March 25, 2008 Commission meeting by Vice Mayor McIntee) Staff requested table to December 16, 2008 - Tabled at the November 25, 2008 Commission meeting by Vice Mayor McIntee

- d.** Discussion and/or action regarding shade trees on the beach at Washingtonia Avenue Portal (Tabled at the November 10, 2008 Commission meeting by Commissioner Silverstone) Staff requested table to December 16, 2008 - Garden Club report not received - Tabled at the November 25, 2008 Commission meeting by Commissioner Silverstone
- e.** Town Commission approval of Conceptual Bel Air subdivision sign design (Assistant Manager Olinzock/Colon) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey
- f.** Discussion and/or action to form an Oversight Committee for Public Safety (Mayor Minnet) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey
- g.** Discussion and/or action to find funds to complete the Seagrape Drive Project (Requested at the November 10, 2008 Commission meeting by Vice Mayor McIntee) Tabled at the November 25, 2008 Commission meeting by Vice Mayor McIntee (Assistant Manager Olinzock)
- h.** Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line with what other municipalities charge. Tabled at the November 25, 2008 Commission meeting by Commissioner Clotey
- i.** Discussion and/or action regarding the formation of an Oversight Committee - explanation of ISO ratings and why the Town can not expect ISO to do the work of an Oversight Committee (Commissioner Dodd)

16. NEW BUSINESS

- a.** Discussion and/or action to place on a future agenda an ordinance, as soon as possible after the Town Attorney has determined if it is permissible, to only allow contributions to any fund for election of a Town official, from only people who reside, own property or from entities licensed within Town limits who do not provide any goods or services under contract with the Town unless they contribute equally to all registered candidates (Commissioner Silverstone)
- b.** Discussion and/or action regarding setting requirements for Town sponsored events regarding bills, income and donations (Requested at the November 25, 2008 Commission meeting by Vice Mayor McIntee)
- c.** Discussion and/or action regarding legal advice during Quasi Judicial hearings,

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revisiting Coral Key development and why are we paying for an attorney if he can't advise us during a hearing (Commissioner Dodd)

- d. Discussion and/or action regarding opening the pier access road (Mayor Minnet)
- e. Discussion and/or action regarding bags on the meters in front of Athena Restaurant (Mayor Minnet)
- f. Discussion and/or action in reference to the letter received from Master Plan Steering Committee and Planning and Zoning (Mayor Minnet)
- g. Discussion and/or action regarding parking a boat trailer in the front driveway in Bel Air (Mayor Minnet)
- h. Discussion regarding boat on trailers in Bel Air (Vice Mayor McIntee)
- i. Discussion and/or action for a round table meeting - promoting open discussion between Commissioners in 2009 - 5:00 p.m. January 13, 2009 (Commissioner Dodd)
- j. Discussion and/or action regarding the beautification of section of El Mar (Commissioner Dodd)

17. TOWN ATTORNEY REPORT

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

Date 1/15/09

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Town Commission Meeting Room

4501 Ocean Drive

Saturday, December 20, 2008 – continued from December 16, 2008

9:00 A.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 9:00 a.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Attorney Daniel L. Abbott, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Minnet opened the meeting with the AMR Report.

AMR Fire Rescue Monthly Report - October 2008 (Operations Manager Liddle)

Commissioner Dodd asked for clarification to a rumor as to how many people were on Medical 12 on Friday, December 12, 2008. Operations Manager Liddle had assured Commissioner Dodd that 3 people were on Medical 12 as there were always 3 people on Medical 12. He said he would verify it anyway.

Commissioner Clotey asked how many times AMR had called for mutual aid. Operations Manager Liddle said they had not called for mutual aid. Commissioner Clotey asked whether anyone knew how many times BSO called for mutual aid. There was no response.

Commissioner Silverstone stated that bringing such a question to a Commission meeting, rather than simply making a phone call for verification, was an indication that the rumor was justified and disrespectful to any vendor. He added that when he had questions he collected his facts first, and then pointed out his findings at the Commissioner meeting. Commissioner Dodd preferred asking questions out in the open and not behind the scenes.

Vice Mayor McIntee explained that Commissioner Silverstone tried to explain that the proper way to investigate a rumor was to ask questions first then bring it before the Commission.

15. OLD BUSINESS

- c. Discussion and/or action regarding drafting an Ordinance to pull bags from the parking meters on Bougainvilla and Poinciana (Tabled at the March 25, 2008 Commission meeting by Vice Mayor McIntee) Staff requested table to December 16, 2008 - Tabled at the November 25, 2008 Commission meeting by Vice Mayor McIntee

This item was withdrawn by Vice Mayor McIntee.

- d. Discussion and/or action regarding shade trees on the beach at Washingtonia Avenue Portal (Tabled at the November 10, 2008 Commission meeting by Commissioner Silverstone) Staff requested table to December 16, 2008 - Garden Club report not received - Tabled at the November 25, 2008 Commission meeting by Commissioner Silverstone

Commissioner Silverstone thought it was a good idea to include the garden club for their ideas. He said the Garden Club felt that anything planted close to the ocean would not do well. Commissioner Silverstone decided not to pursue this issue.

- e. Town Commission approval of Conceptual Bel Air subdivision sign design (Assistant Manager Olinzock/Colon) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotney

This item was tabled at the December 16, 2008 Commission meeting to January 13, 2009.

- f. Discussion and/or action to form an Oversight Committee for Public Safety (Mayor Minnet) Tabled at the November 25, 2008 Commission meeting by Commissioner Clotney

Commissioner Clotney withdrew this item.

- g. Discussion and/or action to find funds to complete the Seagrape Drive Project (Requested at the November 10, 2008 Commission meeting by Vice Mayor McIntee) Tabled at the November 25, 2008 Commission meeting by Vice Mayor McIntee (Assistant Manager Olinzock)

Vice Mayor McIntee asked Manager Colon whether funds were available. Manager Colon explained that with drainage the cost was \$56,000 with funds transferred from the bus stop fund.

Vice Mayor McIntee made a motion to spend the \$56,000 to complete the Seagrape Drive project and to do it properly. Commissioner Silverstone seconded the motion for discussion.

Commissioner Clotney was concerned with a drainage problem. Manager Colon stated that the engineer felt that when the re-slopping was done it would correct the drainage problems. Commissioner Silverstone seconded the motion.

All voted in favor.

- h.** Discussion and/or action concerning adjusting the cost of hardship and other parking permits to be more in line with what other municipalities charge. Tabled at the November 25, 2008 Commission meeting by Commissioner Clotney

Commissioner Clotney wanted to charge residents less to be more compatible with neighboring cities. She asked Assistant Manager Olinzock to make a recommendation. Assistant Manager Olinzock referred to a report made by Parking Enforcement Supervisor Joan Garrett regarding rates charged in neighboring cities. He preferred the Commission decide the rates.

Manager Colon said that staff can supply a recommendation if staff knew what area the Commission wanted them to look at.

Commissioner Clotney said that since residents paid taxes they should be able to park at a nominal rate compared to a non-resident. She also felt that rentals and hardship permits should be a substantial amount compared to other cities. Manager Colon had no problem as long as the Commission gave direction.

Commissioner Clotney wanted to establish more residential parking for beach access and along A1A.

Assistant Manager Olinzock pointed out there were 5 or 6 spaces in the Bougainvilla parking lot. He suggested a look at a program that allowed the meter to be used by everyone so that parking would be available to everyone who needed it. Commissioner Clotney wanted residents to pay one amount and others pay another amount or a permitting/sticker system that notified Parking Enforcement that the vehicle belonged to a resident.

Commissioner Silverstone favored a system that allowed residents to park anywhere for an annual fee.

Commissioner Dodd was 100% behind a resident sticker with a set fee. Mayor Minnet asked whether there would be a 3 hour limit or allowed to use 24/7. Commissioner Dodd said it would be per car.

Manager Colon noted the amounts other cities charged for residents, seniors and out of state visitors.

Vice Mayor McIntee recommended direction to the Town Manager to come up with a fair figure for the different permits.

Vice Mayor McIntee made a motion to table to January 13, 2009 prior to voting on an Ordinance. Commissioner Clotey did not believe 2 hours on the beach was reasonable but would be reasonable in front of businesses. Manager Colon stated that with Commission direction staff could enforce 2 hours in the business area and 3 hours in the residential areas. She added that a change in signage would be needed. Vice Mayor McIntee agreed and recommended that Commissioner Dodd and Commissioner Clotey get together and determine a fair amount.

Commissioner Silverstone wanted all property owners to be given the right to apply for the permits at a charge \$60. Commissioner Dodd pointed out that it was not a good idea for beach goers to park all day in a commercial area. He felt they could use the parking lots and residents should have the privilege of 2 or 3 hour limits.

Mayor Minnet suggested each Commission schedule an appointment with staff to review individual ideas.

Commissioner Dodd seconded the motion to table. All voted in favor.

Vice Mayor McIntee made a motion to table to the January 13, 2009 Commission meeting. Commissioner Dodd seconded the motion.

In a roll call vote, the motion carried 5 - 0.

- i. Discussion and/or action regarding the formation of an Oversight Committee - explanation of ISO ratings and why the Town can not expect ISO to do the work of an Oversight Committee (Commissioner Dodd)

Commissioner Dodd stated that the City of Pompano Beach and the City of Fort Lauderdale had a review board. He believed the ISO would not take the place of a review board. He explained that their function was different from a review board and not a true judgment of the department's practical ability. Commissioner Dodd noted that BSO and AMR had their own method of reviewing situations. Commissioner Dodd believed there were areas in

the VFD that were not handled correctly and wanted to see some sort of review.

Commissioner Silverstone felt that when there was a problem with any entity involved with the Town, it was best to hire a firm that specialized in doing an analysis. He did not feel that a committee made up of various residents would be the best way to approach it. Commissioner Silverstone felt that Commissioner Dodd wanted to micro manage the VFD. He said the Commission could not interfere with the police department and tell them what to do regarding their issues. He added that should there be an issue it was brought forth and the Police handled it internally. Commissioner Silverstone believed the Town should not be allowed to interfere with the VFD. Commissioner Silverstone refused to accept whatever was written as the truth. He would support hiring a professional firm

Vice Mayor McIntee felt that Commissioner Dodd wanted to micro manage the fire department. He pointed out that BSO would not accept an Oversight Committee; they had their own review process. Vice Mayor McIntee stated that AMR accepted a medical review board. He said the VFD had an ISO that had been around for years. Vice Mayor McIntee said he would support an outside organization for all 3 public safety vendors.

Commissioner Clotey supported an Oversight Committee, but did not support a committee that was thrown together. She wanted all the details before she voted for an Oversight Committee.

Commissioner Dodd explained that the Oversight Committee would not get thrown together and he was not micro-managing the VFD. He said when he was concerned, he asked questions and when he was not happy with the answers he asked more questions. Commissioner Dodd said he had heard that 3 fire fighters from the City of Plantation were not allowed to the join Lauderdale-By-The-Sea Volunteer Fire Department for 1 year. He said he asked Chief Perkins publicly why they could not join for a year and Chief Perkins told him it was a Chief to Chief thing. He said he had called the Fire Chief in the City of Plantation and he had told him that they would be delighted to take the fire fighters from Lauderdale-By-The-Sea if they were trained and qualified. Commissioner Dodd said he was open to suggestions. He wanted the VFD to be the best that they can.

Mayor Minnet was in favor of an Oversight Committee only to make sure the VFD was the best fire department. She said it was all about safety.

Commissioner Silverstone stated that being involved in the fire department gave him knowledge of how it worked. He stated that the VFD had their own review committee known as the Board of Directors. Commissioner

Silverstone explained that anyone that was terminated had a choice to go before the Board of Directors. He further explained that the Board of Directors was created so that the Chief did not have the final word and to make sure there was always a safety cap. Commissioner Silverstone said that to make statements without knowing the details was wrong and that the right questions were not asked by the Commission. He added that the correct question should have been how the VFD kept control; and the answer would have been the Board of Directors.

Vice Mayor McIntee pointed out that Mayor Minnet stated publicly that she would not support an Oversight Committee for VFD only but would support an Oversight Committee for all 3 safety vendors. He stated that Commissioner Dodd said that the Oversight Committee should be issued radios and that he had provided 5 names of people to sit on Oversight Committee. Vice Mayor McIntee addressed the issue with the Plantation Fire Department and the VFD. He said Chief Putney was a paid employee and if he publicly stated that he did not want his people to go to another department he would look bad as a Chief. Vice Mayor McIntee explained that thousands of dollars were spent training people. He explained further that placing a one year hold prevented fire fighters from "jumping ship".

16. NEW BUSINESS

- a. Discussion and/or action to place on a future agenda an ordinance, as soon as possible after the Town Attorney has determined if it is permissible, to only allow contributions to any fund for election of a Town official, from only people who reside, own property or from entities licensed within Town limits who do not provide any goods or services under contract with the Town unless they contribute equally to all registered candidates (Commissioner Silverstone)

Commissioner Silverstone wanted to limit campaign contributions to \$6,000 with the intention to do something to prevent corruption. He wanted to see something similar to that of Miami Beach.

Attorney Abbott said there were a number of things to do to limit campaign contributions and also a number of things the Commission could not do: 1) they could not touch issue advocacy as opposed to election campaigns; 2) they could not limit spending on issues for election campaign; and 3) they can not limit personal contributions on what people spend on their own election campaign.

Attorney Abbott stated that limitations could be placed on campaign contributions and pointed out that in the State of Florida the amount was \$500. He added that a local government could propose a lesser amount. Attorney Abbott stated that local vendors could be prohibited from making campaign contributions and limitations could be placed on

corporations and/or unions for direct contributions. Attorney Abbott said he could draft Ordinance to impose campaign contribution restrictions.

Commissioner Silverstone made a motion to direct Attorney Abbott to draft an ordinance restricting campaign contributions. Vice Mayor McIntee seconded the motion.

Commissioner Dodd was in full agreement with Commissioner Silverstone.

All voted in favor.

- b. Discussion and/or action regarding setting requirements for Town sponsored events regarding bills, income and donations (Requested at the November 25, 2008 Commission meeting by Vice Mayor McIntee)

Vice Mayor McIntee explained that a citizen who did not live in town opened a donation account under his own social security number. He added that to date the information has not yet been submitted to the Town. Vice Mayor McIntee wanted to stop it from happening again.

Vice Mayor McIntee made a motion that any Town event run by a Commissioner as Chairman, the Chair must regulate that all funds go through the Town Manager's Office and that all bills and disbursements were paid through that office. Commissioner Silverstone seconded the motion. Commissioner Silverstone seconded the motion.

In a roll call vote, the motion carried 5 - 0.

- c. Discussion and/or action regarding legal advice during Quasi Judicial hearings, revisiting Coral Key development and why are we paying for an attorney if he can't advise us during a hearing (Commissioner Dodd)

Commissioner Dodd questioned why he could not ask for the Town Attorney's opinion during a Quasi Judicial hearing.

Attorney Abbott explained that during Quasi Judicial Hearings the Commission acted like a judge. Attorney Abbott said he was not a witness to the proceeding to explain exactly what a building permit was and therefore could only advise on procedure and criteria but not on opinions or testimony.

Vice Mayor McIntee reminded everyone that the Quasi Judicial Hearing could occur without the Town Attorney as he swore everyone in, and the Town Attorney could not make decisions.

Mayor Minnet reminded everyone that a workshop was coming up January 13, 2009 and if the Commission wanted to address the meaning of a building permit they should bring it to the Workshop.

Commissioner Silverstone looked up the term building permit and said it was very clear. He thought it was a good idea to bring it to the workshop.

Commissioner Dodd wanted it on record that he was not going after the Attorney. He only wanted the subject to be aired so everyone had the benefit of the Attorney's opinion.

d. Discussion and/or action regarding opening the pier access road (Mayor Minnet)

Mayor Minnet explained that the owners of the pier requested access during the construction of the Commercial Boulevard Pavilion.

Louis Marchellos said the access to the pier was shut down early last year from 3:00 a.m. to 8:00 a.m. as there was no access due to a truck that could not be moved for 4 hours. He requested an egress to make it safer.

Spiro Marchellos put public safety as their number one concern. He said Emergency Medical and BSO blocked the pier entrance in addition to Aruba's backed up valet services. He added that with the construction of the pavilion there was no access to the pier. Mr. Marchellos was concerned with the future. He wanted a public access road opened. Mr. Marchellos said that there was only one artery open.

Commissioner Dodd asked if the proper application for a fence was turned in would there be any reason why access could not be granted. Assistant Manager Olinzock said the Town could not grant access. He added that the Commission wanted that as a pedestrian access and therefore, the Commission would need to address that issue.

Vice Mayor McIntee clarified that ATV's did have access to the parking lot. He added that a wall was built by someone on the southeast corner so that the ATV's could not do it anymore. Vice Mayor McIntee said that Oriana granted the entrance way in the back for public access to the beach. He said many children ran around there and believed there may be a problem if the Town opened that up to ingress and egress.

Commissioner Silverstone wanted a traffic study conducted prior to making a decision to grant access. He pointed out the area was currently used for beach cleaning.

Manager Colon was currently working with Broward County Traffic engineering to get a study without cost. She said the beach access way was

given to the Town by Oriana as a pedestrian walkway. Manager Colon pointed out that the area behind the pier did not belong to the pier owners. She said ATV's should be able to go in and out and the concrete blocks and / or poles that were placed there to prevent entry would be addressed and removed. She added that a fence used to be there but someone removed it. Manager Colon said staff was looking into a fence with a lock box for emergency use only and will bring back the cost for a fence, a lock box and the results of the Broward County Traffic Study.

Commissioner Dodd did not believe the Commission was working with the problem. He felt there was nothing in place to prevent the pier owners from preventing or forbidding entry onto their land. Manager Colon pointed out that the Marchellos brothers stated that their concern was for safety and did not believe that they would do anything to prevent emergency vehicles from passing through for safety reasons.

Mayor Minnet allowed Mr. Marchellos to speak again. Vice Mayor McIntee asked whether the Marchellos were the owner of record or leasee to the owner. Mr. Marchellos said they were the owner of the lots to the pier and they lease the pier. Mr. Marchellos pointed out that not only was this issue a public safety issue but was a business issue also. Mr. Marchellos requested a stop sign to prevent cars from coming into the pier. He said there was a lot of blockage that created a jam that closed the artery.

Commissioner Clotey asked whether there was any way to grant temporary access during construction of the pavilion. Commissioner Clotey made a motion to open temporary access. Commissioner Dodd seconded the motion. Vice Mayor McIntee needed police opinion on safety.

Commissioner Clotey requested the police take a look as the meeting continued. Commissioner Silverstone was concerned with liability and asked Attorney Abbott if allowed an egress, would the Town be liable. Attorney Abbott did not know enough about the egress or the property to answer properly.

Vice Mayor McIntee made a motion to table to the January 13, 2009 Commission meeting. Commissioner Dodd stated that the alley way behind Aruba's Café was used by the valet in both directions and that cars dangerously turned around in front of High Noon against traffic. He felt that turning down this request for access, and using public safety as the reason, was the wrong way to go.

Manager Colon explained that Oriana did not have access; they had to exit from the other side of their building. She added that there was a gate with a lock box for emergency purposes only.

Attorney Abbott explained that governments could be held liable as any landowner would be held liable.

Commissioner Silverstone seconded the motion to table. The motion carried 4-1. Commissioner Dodd voted no.

e. Discussion and/or action regarding bags on the meters in front of Athena Restaurant (Mayor Minnet)

Mayor Minnet stated that at the December 16, 2009 meeting the Commission voted to remove bags from all the meters and requested clarification that the bags on the meters in front of Athena's Restaurant were included.

Attorney Abbott said he was directed to draft an Ordinance that would remove all bags from the Town.

Vice Mayor McIntee pointed out that Athena's Restaurant had a contract and believed that the Town would need to address that contract.

Mayor allowed Mr. Marchellos to speak. Mr. Marchellos explained that Athena's Restaurant had the meters for the past 7 years and paid \$8,000 annually. He added there never was a problem.

f. Discussion and/or action in reference to the letter received from Master Plan Steering Committee and Planning and Zoning (Mayor Minnet)

Paul Novak posed questions from the Master Plan Steering Committee that required direction from the Commission.

Vice Mayor McIntee made a motion to direct Manager Colon to answer all the questions. Commissioner Silverstone seconded the motion.

Manager Colon advised the Commission that Mr. Novak's letter referred to the direction and the future of the community. She asked for direction from the Commission as to how they wanted to move forward; did they want infrastructure; did they want the emphasis on parking or El Mar Drive?

Commissioner Silverstone believed that most of the questions were legal questions.

Mr. Novak wanted to concentrate on the lighting and the landscaping on El Mar Drive. He said he needed direction on the other questions. Vice Mayor McIntee believed El Mar Drive was priority at this time.

Commissioner Dodd did not feel that it was the Town Manager's job to make decisions. He proposed a workshop before the 2nd meeting in January or at the first recommended round table meeting so that the Commission could give direction to the Master Plan Steering Committee and the Planning and Zoning Board.

Commissioner Clotey believed that the Town Manager could not answer some of those questions and felt they should be addressed by the Town Attorney.

Attorney Abbott did not feel it was a good idea to give the Town Manager or himself the authority to write a letter that would be the Town's position on the issues.

Vice Mayor McIntee made a motion to direct the Town Attorney to answer all questions that seem reasonably prudent to their official capacity in conjunction with the Town Attorney, and if they did not feel they should make a decision on one of the questions they should so state in their report to the Master Plan Steering Committee, the Planning and Zoning Board and to the Town Commission. Commissioner Dodd seconded the motion. All voted in favor.

- g. Discussion and/or action regarding parking a boat trailer in the front driveway in Bel Air (Mayor Minnet)
- h. Discussion regarding boat on trailers in Bel Air (Vice Mayor McIntee)
- i. Discussion and/or action for a round table meeting - promoting open discussion between Commissioners in 2009 - 5:00 p.m. January 13, 2009 (Commissioner Dodd)

Commissioner Dodd wanted to schedule a round table meeting for the third week of each month. He added there would be no agenda but Commission could bring their notes for items of discussion. Commissioner Dodd noted that minutes would be taken and would comply with the public Sunshine Law. Commissioner Silverstone and Vice Mayor McIntee were willing to have a trial meeting. Vice Mayor McIntee made a friendly amendment to that effect. Commissioner Dodd accepted. Commissioner Clotey preferred the meeting to be described as "an exchange of ideas" rather than "positive interaction. It was agreed.

Commissioner Dodd made a motion to schedule an informal round table meeting for Tuesday, January 20, 2009 from 11:00 a.m. to noon for an exchange of ideas. Vice Mayor McIntee seconded the motion.

In a roll call vote, the motion carried 5 - 0.

j. Discussion and/or action regarding the beautification of section of El Mar (Commissioner Dodd)

Commissioner Dodd wanted resident input as to how the money should be spent along El Mar Drive. He mentioned the suggestions already received such as distant markers and a place to stretch. Commissioner Dodd asked whether the funds were intended for all of El Mar Drive. Manager Colon said the agreement was for the Southern end.

Mr. Novak explained that during the Master Plan Steering Committee meeting complications arose: 1) trees would grow and block the view; 2) the median was not pedestrian friendly. He suggested gazebos and inviting the public to the next Master Plan Steering Committee meeting.

Mayor Minnet recommended the public come to the meetings to provide input and to advertise the invitation on Channel 78.

17. TOWN ATTORNEY REPORT

The Town Attorney had no reports.

Vice Mayor McIntee asked Attorney Abbott whether there was an abuse of public records request and whether it was proper for the Town to send requests to the Attorney to determine whether the request was legally correct.

Attorney Abbott stated that a lawyer might look at the request to determine whether the request was valid or exempt from public records law.

Vice Mayor McIntee made a motion that any public records request with that criteria be forwarded to the Attorney for review with the cost generated back to the person making the request. Attorney Abbott stated that under public records law the Town could charge the requestor if the nature of, or the volume of the public records request called for extensive supervisory assistance. He added that the State of Florida defined "extensive" as any public records request that took more than 15 minutes to comply with, including locating the document, review the document, copy the document and re-file the document. Attorney Abbott explained that the requestor could be charged for the time, at the rate of the employee's salary.

Commissioner Dodd asked to have Barbara Cole to come forward and address allegations that she had made a large number of public records requests. Mayor Minnet allowed it. Ms. Cole explained she only submitted 7 public records requests even though she had asked for more than one item in her requests. She said she started in September with the VFD and most were follow ups to previous

requests and a thank you for quick responses. Ms. Cole did not feel she had harassed anyone. She appreciated all the responses she received from staff.

Commissioner Clottey asked Vice Mayor McIntee what he thought would be a reasonable time to reply to a public records request. Vice Mayor McIntee replied that any request that took no longer than 15 minutes to fill would be reasonable.

Commissioner Clottey believed if it was only 1 piece of information the requestor should pay a nominal amount, but beyond that staff should charge for their time. Commissioner Dodd felt it was the right of the people to get whatever information they wanted and he would fight any attempt to shut down access to information.

Vice Mayor McIntee withdrew his motion.

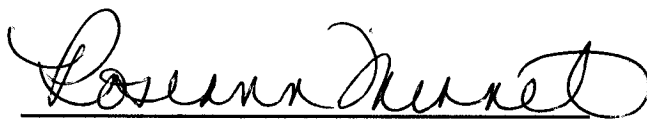
Commissioner Silverstone requested that Manager Colon apply for beautification grant money. Manager Colon responded that the Town was not part of that program as the Town did not fit the criteria and did not participate. She said if the Commission would like to be considered she would find out the process. Commissioner Silverstone said "ok".

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT


Vice Mayor McIntee made a motion to adjourn. The Town Commission, Town Manager, Town Attorney and Town Clerk wished everyone a Happy Holiday.

With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:25 a.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

11/15/09

Date